

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHERHONDA GOLDEN,

Plaintiff,

-v-

NBCUNIVERSAL MEDIA, LLC,

Defendant.

22 Civ. 9858 (PAE)

ORDER


PAUL A. ENGELMAYER, District Judge:

On September 11, 2024, the Court issued a decision granting the motion of defendant NBCUniversal Media, LLC (“NBCU”) to dismiss the complaint of plaintiff Sherhonda Golden. Dkt. 44. In dismissing, however, the Court recognized that an appeal was pending in *Salazar v. Nat’l Basketball Ass’n*, 685 F. Supp. 3d 232 (S.D.N.Y. 2023) (“*Salazar*”), which this Court had followed in granting the motion to dismiss. *See* Dkt. 44 at 13 n.7. The Court stated that: “In the event the Second Circuit resolves *Salazar* in a manner inconsistent with this decision, Golden may move for relief from this judgment under Federal Rule of Civil Procedure 60(b)(5), or, if this case is then on appeal, seek an indicative ruling from this Court under Rule 62.1.” *Id.*

The Second Circuit’s decision vacating *Salazar* issued on October 15. *See Salazar v. Nat’l Basketball Ass’n*, No. 23 Civ. 1147, 2024 WL 4487971 (2d Cir. Oct. 15, 2024). The Circuit’s decision there clearly calls the decision to dismiss this case – now itself on appeal to the Second Circuit – into question. In the interest of expediting this litigation, and in avoiding the cost and time of appellate litigation that is highly likely to lead to remand, this Court directs counsel for Golden and NBCU promptly to confer, with an eye towards agreeing upon on a

stipulation or other mechanism to secure the expedited remand of the case to this Court, for reconsideration in light of the Circuit's decision in *Salazar*.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: October 18, 2024
New York, New York